IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14265 of 1993

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJ STATE ROAD TRANSPORT CORPN - Petitioner(s)

Versus

G R BHUMBHLIA - Respondent(s)

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Appearance :

MR HS MUNSHAW for Petitioner No(s).: 1.

NOTICE SERVED for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 02/08/2005

ORAL JUDGMENT

1.0 The petitioner Corporation has challenged the award dated 26.08.1992 passed by the Industrial Tribunal, Ahmedbad in Reference IT No. 558 of 1989, whereby the order of punishment issued by the petitioner authority

was modified by reducing the pay of the respondent by two stages and the petitioner was directed to pay the concerned workman the difference in wages within three months from the date of publication of the award.

2.0 The brief facts of the case are that the respondent herein was working as a Conductor with the petitioner Corporation. On 14.01.1985 while the respondent was on duty, the bus was checked by the Checking Squad of the petitioner Corporation. The Checking Squad found certain irregularities in the issuance of tickets by the respondent. Therefore, charge-sheet was issued and departmental inquiry was held against him. Since the charges leveled against the respondent were proved, he was dismissed from service vide order dated 18.04.1985.

2.1 Being aggrieved by the said order, the respondent preferred First Appeal which came to be rejected on 19.03.1986. Thereafter, Second Appeal was preferred, whereby the order of dismissal was modified by granting reinstatement with continuity of service but without any back wages. The interim period was directed to be treated as leave without pay and the respondent was reduced to his basic pay-scale.

2.2 Against the said order, the respondent preferred reference before the Industrial Tribunal, Ahmedabad. The Tribunal, after hearing the parties, passed the impugned award as aforesaid. Hence, this petition.

3.0 I have heard learned counsel for the petitioner and perused the documents placed on record. Though served none appears on behalf of the respondent. Having gone through the impugned award, I am of the opinion that the Tribunal has rightly reduced the penalty; otherwise, the respondent workman would have suffered huge financial loss as compared to the charges leveled and proved against him. I am in complete agreement with the reasonings given by the Labour Court in the award and find no reason to interfere in this petition.

4.0 In above view of the matter, the petition is dismissed. Rule is discharged with no order as to costs. Ad-interim relief granted earlier stands vacated.

(K. S. JHAVERI, J.)

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